

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, May 4, 2010, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding

Alderman Valerie Joh

Vice-Mayor Benjamin K. Mallicote

Alderman Charles K. Marsh, Jr.

Alderman Larry A. Munsey

Alderman Tom C. Parham

City Administration

John G. Campbell, City Manager

J. Michael Billingsley, City Attorney

James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Led by Ms. Erin Colhoun, a student at Washington Elementary School.
- II.B. **INVOCATION:** by Pastor Carl Strickler of Fall Branch First Baptist Church.
- III. **ROLL CALL:** By City Recorder Jim Demming. Absent: Alderman Jantry Shupe
- IV. **RECOGNITIONS AND PRESENTATIONS.**

A. **KCVB (KINGSPORT CONVENTION AND VISITORS BUREAU) PROCLAMATION.**
Mayor Phillips read and presented a proclamation to KCVB representatives in honor of *National Tourism and Travel Week* stating that tourism and travel has contributed \$289,960,000 to our local economy and provides jobs for more than 3062 citizens locally and, further, generated \$7,910,000 in local taxes and \$15,780,000 in taxes. As part of the proclamation, Mayor Phillips announced that May 8-16, 2010 is *National Travel and Tourism Week* in Kingsport.

V. **APPROVAL OF MINUTES.**

Motion/Second: Joh/Munsey, to approve minutes for the following meetings:

A. April 19, 2010 Regular Work Session

B. April 20, 2010 Regular Business Meeting

Approved: All present voting "aye."

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

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1. Public Hearing and Consideration of the 2010 Annual Action Plan for Community Development and Consideration of Resolutions Authorizing the Mayor to Execute All Documents Necessary to Apply for and Receive Fiscal Year 10/11 CDBG and Emergency Shelter Grant (ESG) Funds (AF: 117-2010). City Community Development Manager Mark Haga provided details about this action item.

PUBLIC COMMENT ON ITEM VI.AA.1. Ms. Nancy Durant, Program Coordinator for the Lee Family Learning Center for Kingsport Housing and Redevelopment Authority read two letters from children involved with the center and explained how funds benefit many children who are transient, live in public housing and come to the center for help with academic and social skills.

Ms. Connie Steer, Executive Director of CASA for Kids thanked the BMA for providing the increased funding and believes CASA can serve over 600 children this year. She shared details about the upcoming fundraiser to be held on June 5th in Memorial Park.

Motion/Second: Parham/Joh, to pass:

Resolution No. 2010-211, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO RECEIVE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING, FOR FISCAL YEAR 2011, FROM THE UNITED STATES OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Passed: All present voting "aye."

Motion/Second: Joh/Parham, to pass:

Resolution No. 2010-212, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO RECEIVE EMERGENCY SHELTER GRANT FUNDING, FOR FISCAL YEAR 2011, FROM THE TENNESSEE HOUSING DEVELOPMENT AGENCY

Passed: All present voting "aye."

A. PUBLIC COMMENT. Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of an Ordinance to Appropriate Cultural Arts Funding Received from Donations (AF: 119-2010).

Motion/Second: Joh/Mallicote, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGETS BY APPROPRIATING FUNDS RECEIVED FROM DONATIONS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

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C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

**1. Consideration of Ordinances to Approve Amending the Zoning
Text to Promote the City's Watershed Protection Program (AF: 98-2010).**

Motion/Second: Munsey/Mallicote, to pass:

ORDINANCE NO. 5955, AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, SECTION 114-9; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham and Phillips voting "aye."

**2. Consideration of Ordinances to Annex/Amend Zoning of the
Rock Springs North Area 1 Annexation (AF: 86-2010).**

Motion/Second: Parham/Joh, to pass:

ORDINANCE NO. 5956, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 13TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE ROCK SPRINGS NORTH AREA 1 ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham and Phillips voting "aye."

Motion/Second: Joh/Parham, to pass:

ORDINANCE NO. 5957, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG ROCK SPRINGS ROAD TO R-3, RESIDENTIAL DISTRICT IN THE 13TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham and Phillips voting "aye."

**3. Consideration of Ordinances to Annex/Amend Zoning of the
Lebanon Road Annexation (AF: 87-2010).**

Motion/Second: Mallicote/Joh, to pass:

ORDINANCE NO. 5958, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE LEBANON ROAD ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME

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WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT,
TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham
and Phillips voting "aye."

Motion/Second: Joh/Parham, to pass:

ORDINANCE NO. 5959, AN ORDINANCE TO FURTHER AMEND THE ZONING
CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG LEBANON ROAD TO R-3,
RESIDENTIAL DISTRICT, R-1B, RESIDENTIAL DISTRICT, AND B-3, COMMERCIAL
DISTRICT IN THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY
FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE
OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham
and Phillips voting "aye."

D. OTHER BUSINESS.

**1. Consideration of a Resolution to Accept a Donation of a
Sculpture from the Artist (AF: 120-2010).**

Motion/Second: Mallicote/Parham, to pass:

Resolution No. 2010-213, A RESOLUTION ACCEPTING A DONATION OF "BRIDGE
BENCH" SCULPTURE FROM ARTIST GREG MUELLER FOR THE V.O. DOBBINS
COURTYARD

Passed: All present voting "aye."

**2. Consideration of a Resolution Authorizing the Mayor to Execute
a Rights-of-Way Easement with Kingsport Power Company (AF: 116-2010).**

Motion/Second: Mallicote/Joh, to pass:

Resolution No. 2010-214, A RESOLUTION AUTHORIZING THE MAYOR TO
EXECUTE A RIGHTS-OF-WAY EASEMENT WITH KINGSPORT POWER COMPANY

Passed: All present voting "aye."

**3. Consideration of a Resolution Awarding the Bid for the
Purchase of One (1) Tandem Axle Dump Truck to Goodpasture Motor Company,
Inc. (AF: 111-2010).** Public Works Director Ryan McReynolds explained to Board
members that the lowest bidder was rejected because the engine submitted in that bid
was not intended for dump truck use and the bid was awarded to the next lowest
bidder. This item was scheduled to be pulled after work session discussion last night.

Motion/Second: Munsey/Parham, to pass:

Resolution No. 2010-215, A RESOLUTION AWARDED THE BID FOR PURCHASE
OF ONE TANDEM AXLE DUMP TRUCK AND AUTHORIZING THE CITY MANAGER
TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

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4. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement with the Greater Kingsport Alliance (GKAD) for the Purchase of Dilapidated Properties in the City (AF: 118-2010).

Motion/Second: Joh/Parham, to pass:

Resolution No. 2010-216, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PROPERTY PURCHASE AGREEMENT WITH THE GREATER KINGSFORT ALLIANCE FOR DEVELOPMENT

Passed: All present voting "aye."

5. Consideration of a Resolution Awarding the Bid for the State Route 126 (Memorial Blvd.) Waterline Replacement Project to Summers Taylor, Inc. and Authorize the Mayor to Sign All Applicable Documents (AF: 115-2010).

Motion/Second: Mallicote/Munsey, to pass:

Resolution No. 2010-217, A RESOLUTION AWARDING THE BID FOR STATE ROUTE 126 (MEMORIAL BOULEVARD) WATERLINE REPLACEMENT PROJECT TO SUMMERS TAYLOR, INC. AND AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR THE SAME AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

6. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Apply and Receive the Assistance to Firefighters (AFG) Grant Through the U.S. Fire Administration of the Federal Emergency Management Administration (FEMA) Division of the Department of Homeland Security (DHS) (AF: 122-2010).

Motion/Second: Joh/Parham, to pass:

Resolution No. 2010-218, A RESOLUTION AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A ASSISTANCE TO FIREFIGHTERS (AFG) GRANT THROUGH THE UNITED STATES FIRE ADMINISTRATION OF THE FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION (FEMA) DIVISION OF THE DEPARTMENT OF HOMELAND SECURITY FOR THE KINGSFORT FIRE DEPARTMENT

Passed: All present voting "aye."

7. Consideration of a Resolution Awarding the Bid for the Purchase of One (1) Crawler Mounted Asphalt Paver to Power Equipment Company, Inc. (AF: 109-2010). Public Works Director McReynolds explained the advantages of purchasing this equipment to pave pathways from 4' to 10' wide and provided Board members with a cost benefit analysis. He further explained that the comparison figures are based on a contractor quote of \$350,000 for repaving around seven (7) miles of Cattails golf paths; \$100,000 for two miles at 8' wide. This equipment will allow the City to do the same amount of repaving for around \$49,000 for two miles.

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Another benefit is allowing the paving/repaving to be done along with the regular maintenance duties of City's public works rather than hiring a dedicated crew.

Alderman Marsh objected to spending \$145,000 on equipment that will be used only sporadically throughout the year and sees this expenditure as a poor use of City funds.

Motion/Second: Joh/Mallicote, to pass:

Resolution No. 2010-219, A RESOLUTION AWARDDING THE BID FOR PURCHASE OF ONE CRAWLER MOUNTED ASPHALT PAVER TO POWER EQUIPMENT COMPANY, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye," except Marsh voting "nay."

E. APPOINTMENTS.

1. Consideration of an Appointment to the Parks and Recreation Advisory Committee (AF: 121-2010).

Motion/Second: Joh/Munsey, to approve the following:

APPOINTMENT OF MR. VAN DOBBINS TO SERVE THE UNEXPIRED TERM OF MR. TED SALYERS ON THE **PARKS AND RECREATION ADVISORY COMMITTEE**, EFFECTIVE IMMEDIATELY AND EXPIRING JUNE 30, 2011

Passed: All present voting "aye."

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: Munsey/Mallicote, to adopt:

1. Consideration of an Ordinance to Appropriate Cultural Arts Funding Received from Donations, Ticket Sales and Grants (AF: 97-2010).

Adopt:

Ordinance No. 5960, AN ORDINANCE TO AMEND THE GENERAL FUND AND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGETS BY APPROPRIATING FUNDS RECEIVED FROM GRANTS, TICKET SALES AND DONATIONS FOR THE CULTURAL ARTS DIVISION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham and Phillips voting "aye."

2. Consideration of an Ordinance Adopting a Language Assistance Policy (AF: 103-2010).

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Adopt:

Ordinance No. 5961, AN ORDINANCE ADOPTING A LANGUAGE ASSISTANCE POLICY FOR THE CITY OF KINGSFORT; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Munsey, Parham and Phillips voting "aye" and Marsh voting "nay."

3. Consideration of an Ordinance to Amend the FY10 General Purpose School Fund and the General Project Fund Budgets (AF: 100-2010).

Adopt:

Ordinance No. 5962, AN ORDINANCE TO AMEND THE GENERAL PURPOSE SCHOOL FUND AND THE GENERAL PROJECT FUND BUDGETS; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham and Phillips voting "aye."

4. Consideration of an Ordinance Authorizing the Designated Alderman to Dispose of City-Owned Real Property Located on Heather Lane (AF: 114-2010).

Adopt:

Ordinance No. 5963, AN ORDINANCE AUTHORIZING THE DESIGNATED ALDERMAN TO DISPOSE OF REAL PROPERTY LOCATED ON HEATHER LANE, SITUATED IN KINGSFORT, SULLIVAN COUNTY, TENNESSEE, AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham and Phillips voting "aye."

5. Consideration of an Ordinance to Appropriate Funds for Workspace Interiors for Phase I of Procuring Furniture, Fixtures and Equipment for the Meadowview Executive Conference Center Project (AF: 105-2010).

Adopt:

Ordinance No. 5964, AN ORDINANCE TO AMEND THE REGIONAL SALES TAX FUND BUDGET BY APPROPRIATING FUNDS TO THE MEADOWVIEW EXPANSION PROJECT FOR THE FISCAL YEAR ENDING JUNE 30, 2010; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham and Phillips voting "aye."

VIII. COMMUNICATIONS.

A. CITY MANAGER. City Manager Campbell plugged the City's Summer Playground Program and described a number of features, including seven different

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athletic camps and anyone interested can sign up at schools or with the Parks and Recreation Department.

Mr. Campbell congratulated Dobyns-Bennett High School boys' baseball coach, Mike Ritz, who is retiring after becoming the state's all-time winningest high school coach in TN baseball history.

B. MAYOR AND BOARD MEMBERS. Alderman Marsh complimented the New York City police department for their quick work in arresting a prime suspect in the Times Square attempted bombing and included a commendation to police work everywhere, including Kingsport's local police force.

Mr. Marsh also mentioned, during last night's BMA work session discussion, he had suggested reducing the City's fixed costs of around \$500,000 a year and save another \$600,000 in capital by redeploying our fire department personnel and encouraged City staff to look at that option, rather than adding labor costs. Mayor Phillips responded that this option will be discussed during the upcoming budget sessions.

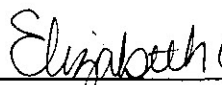
Alderman Parham applauded staff and citizens and members of this Board for all the time and thorough discussion invested to consider the recent retirement issue of whether or not to remain with TCRS (Tennessee Consolidated Retirement System). That being said, he stated that it appears the issues are still not clear to many regarding the exact and comparative costs between a short-range and long-range view. He asked City Manager Campbell to further clarify those costs at the next work session to ensure the BMA has done the fair thing for City employees.

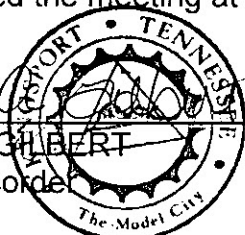
Mayor Phillips suggested that Alderman Parham, as well as any other Board member meet with Mr. Campbell for further one-on-one clarification.

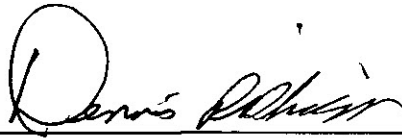
Board members went on to discuss delaying the official notice to TCRS of the Board vote to reverse the City's withdrawal, pending a possible different outcome as a result of additional, individual discussion between the City Manager and Board members. City Attorney Billingsley clarified that that any rescission in this decision must be passed with a two-thirds (2/3) majority vote—further clarifying that the two-thirds vote was in relation to all Board members and not just those present at the time of the vote, requiring five out of the seven member to vote in favor.

C. VISITORS. None.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:20 p.m.


ELIZABETH A. GILBERT
Deputy City Recorder




DENNIS R. PHILLIPS
Mayor